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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 KEVIN LONG,

12 Plaintiff,

13 v.

14 CRABTREE,

15 Defendant.  
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1:23-cv-01073-JLT-GSA (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS IN FULL, REVOKING  
PLAINTIFF'S IN FORMA PAUPERIS STATUS,  
VACATING THE ORDER GRANTING THE  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS, AND DIRECTING PLAINTIFF TO  
PAY THE FILING FEE WITHIN THIRTY  
DAYS

(Doc. 6.)

ORDER FOR CLERK OF COURT TO SERVE  
THIS ORDER ON THE COURT'S FINANCIAL  
DEPARTMENT AND DIRECTOR OF CDCR

20 Kevin Long is a county jail inmate proceeding *pro se* with this civil rights action pursuant  
21 to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28  
22 U.S.C. § 636(b)(1)(B) and Local Rule 302.

23 Previously, the Court granted Plaintiff's motion to proceed *in forma pauperis*, and  
24 directed payments be made from Plaintiff's prison trust account.<sup>1</sup> (Doc. 4.) Upon further review,  
25 the magistrate judge found Plaintiff is subject to the three strikes bar of 28 U.S.C. § 1915(g).

26 \_\_\_\_\_  
27 <sup>1</sup> To date, the Court has not received any payments for Plaintiff's filing fee in this case. (Court Financial  
28 Records.) The filing fee for this case is \$350.00 plus a \$52.00 administrative fee. 28 U.S.C. § 1914. The  
\$52.00 administrative fee does not apply to persons granted *in forma pauperis* status. *Id.* Because  
Plaintiff's *in forma pauperis* status has been revoked, Plaintiff now owes the entire \$402.00 filing fee.

(Doc. 6 at 1-2.) In addition, the magistrate judge determined the allegations in the complaint do not satisfy the “imminent danger of serious physical injury” exception to § 1915(g). (*Id.* at 2.) Therefore, the magistrate judge recommended that Plaintiff’s *in forma pauperis* status be revoked, and Plaintiff be directed to pay the filing fee in full. (*Id.*)

Plaintiff filed timely “objections” to the Findings and Recommendations. (Doc. 8.) However, Plaintiff does not address the findings made by the magistrate judge. (*See generally id.*) Rather, the “objections” contain threatening language, including threats directed at the Court.<sup>2</sup> (*Id.* at 1.) He does not dispute the finding that he was subject to the three strikes bar. He also does not demonstrate that he is in imminent danger of serious physical injury. (*See id.*)

According to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff’s objections, the court finds the findings and recommendations to be supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

1. The Findings and Recommendations issued on August 10, 2023 (Doc. 9), are **ADOPTED** in full.
2. Plaintiff’s *in forma pauperis* status is **REVOKED** under 28 U.S.C. § 1915(g).
3. The Order issued on July 21, 2023, granting Plaintiff’s motion to proceed *in forma pauperis* and directing payment of the filing fee by the CDCR (Doc. 4) is **VACATED**.
4. Within thirty days of the date of service of this order, Plaintiff **SHALL** pay the \$402.00 filing fee in full for this action.
5. Plaintiff is advised the failure to comply with this order shall result in the dismissal of this action.
6. The Clerk of Court is directed to serve a copy of this order on:
  - (1) the Financial Department, U.S. District Court, Eastern District of

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<sup>2</sup> Plaintiff indicates he is “in serious physical danger of initiating World War Three against all [his] enemies,” and suggests that the Court will be among those he considers enemies. (Doc. 6 at 1.) Plaintiff also contends the Court should “proceed respectfully or die.” (*Id.* at 1.) **Such language is not tolerated. Any further such threats will result in the Court dismissing his case.**

1 California; and

2 (2) the Director of the California Department of Corrections and  
3 Rehabilitation.

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5 IT IS SO ORDERED.

6 Dated: **September 8, 2023**

  
UNITED STATES DISTRICT JUDGE